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Margaret M. Hasson

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PATENT

Attorney Docket No.: PA917 (51288-00053)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard Thomas

Serial No.: 10/749,186

Filed: December 30, 2003

Title: MEDICAL DEVICES HAVING DRUG
RELEASING POLYMER RESERVOIRS

Conf. No.: 9953

Examiner: Unknown

Art Unit: 3763

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§609 and 707.05(b), enclosed is FORM PTO-1449 listing the references that are known to applicant. Copies of each of the Non-US patent references listed are enclosed.

This Information Disclosure Statement is being timely filed under 37 C.F.R. § 1.97(b)(3), before the mailing of a first Office Action on the Merits.

The submission of the above-described documents does not constitute an admission that any of them are valid prior art against the claims of the present application. That is, applicant reserves the right to antedate or otherwise remove the documents as references.

It is respectfully requested that the listed references be considered in the examination of this application and identified on the list of references cited on the patent issuing for this application. Applicant also requests that an initialed copy of FORM PTO-1449 be entered in the application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application. The Director is hereby

authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3207 associated with this response.

Respectfully submitted,

PRESTON GATES & ELLIS, LLP

Date 9/24/04

By: 
LOUIS CULLMAN
Attorney for Applicant
Registration No. 39,645

Contact information below for inquiries
regarding the above submission:

Customer No.: 28,390
Louis C. Cullman
Preston Gates Ellis LLP
(949) 253-0900 Telephone
(949) 253-0902 Fax

Enclosures: PTO-1440 and Non-US patent References cited thereon, Transmittal.

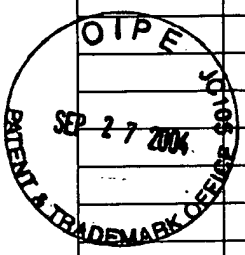
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Attorney Docket Number	PA917 (51288-00053)
Application Number	10/749,186
Filing Date	December 30, 2003
Applicant(s)	Richard Thomas
Group Art Unit	3763
Examiner Name	Unknown

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	DOCUMENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,373,009	02/08/83	Winn	428	424.2	
	4,585,666	04/29/86	Lambert	427	2	
	4,625,012	11/25/86	Rizk et al.	528	28	
	4,894,231	01/16/90	Moreau et al.	424	426	
	5,032,666	07/16/91	Hu et al.	528	70	
	5,040,544	08/20/91	Lessar et al.	607	122	
	5,104,404	04/14/92	Wolff	623	1.16	
	5,134,192	07/28/92	Feijen et al.	525	54.1	
	5,171,217	12/15/91	March et al.	604	507	
	5,342,621	08/30/94	Eury	424	423	
	5,380,299	01/10/95	Fearnot et al.	604	265	
	5,380,299	01/10/95	Fearnot et al.	604	265	
	5,383,928	01/24/95	Scott et al.	623	1.12	
	5,443,458	08/22/95	Eury	604	891.1	
	5,447,724	09/05/95	Heimus et al.	424	426	
	5,464,450	11/07/95	Buscemi et al.	623	1.2	
	5,464,650	11/07/95	Berg et al.	427	2.3	
	5,464,650	11/07/95	Berg et al.	427	2.3	
	5,470,307	11/28/95	Lindall	604	20	
	5,510,077	04/23/96	Dinh et al.	264	485	
	5,512,055	04/30/96	Domb et al.	604	265	
	5,525,348	06/11/96	Whitbourne et al.	424	423	
	5,545,208	08/13/96	Wolff et al.	623	1.22	
	5,551,954	09/03/96	Buscemi et al.	623	1.15	
	5,554,182	09/10/96	Dinh et al.	600	36	
	5,554,182	09/10/96	Binh et al.	600	36	
	5,562,922	10/08/96	Lambert	424	486	
	5,571,089	11/05/96	Crocker	604	103.01	
	5,571,166	11/05/96	Dinh et al.	128	898	
	5,591,197	01/07/97	Orth et al.	623	1.16	
	5,591,227	01/07/97	Dinh et al.	623	1.22	
	5,591,277	01/07/97	Braunhein	148	578	
	5,599,352	02/04/97	Dinh et al.	128	898	
	5,605,696	02/25/97	Eury et al.	424	423	
	5,605,696	02/25/97	Eury et al.	424	423	
	5,605,696	02/25/97	Eury et al.	424	423	


**EXAMINER
SIGNATURE**
**DATE
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)	Attorney Docket Number	PA917 (51288-00053)
	Application Number	10/749,186
	Filing Date	December 30, 2003
	Applicant(s)	Richard Thomas
	Group Art Unit	3763
	Examiner Name	Unknown

	5,609,629	03/11/97	Fearnott et al.	623	1.42	
	5,612,052	03/18/97	Shalaby	424	426	
	5,624,411	04/29/97	Tuch	604	265	
	5,637,113	06/10/97	Tartaglia et al.	623	1.42	
	5,645,931	07/08/97	Fan et al.	428	334	
	5,660,873	08/26/97	Nikolaychik et al.	427	2.24	
	5,662,960	09/02/97	Hostettler et al.	427	2.3	
	5,674,192	10/07/97	Sahatjian et al.	604	28	
	5,679,400	10/21/97	Tuch	427	2.14	
	5,679,659	10/21/97	Verhoeven et al.	514	56	
	5,683,451	11/04/97	Lenker et al.	623	1.11	
	5,697,967	12/16/97	Dinh et al.	120	898	
	5,698,738	12/16/97	Garfield et al.	564	112	
	5,700,286	12/23/97	Tartaglia et al.	623	1.15	
	5,700,286	12/23/97	Tartaglia et al.	623	1.15	
	5,702,754	12/30/97	Zhong	427	2.12	
	5,705,583	01/06/98	Bowers et al.	526	277	
	5,756,145	05/26/98	Darouiche	427	2.24	
	5,756,553	05/26/98	Iguchi et al.	514	772.3	
	5,762,944	06/09/98	Inoue et al.	424	400	
	5,770,229	06/23/98	Tanihara et al.	424	488	
	5,776,184	07/07/98	Tuch	623	1.11	
	5,776,611	07/07/98	Elton et al.	428	423.1	
	5,792,106	08/11/98	Mische	604	103.01	
	5,797,887	08/25/98	Rosen et al.	604	265	
	5,811,447	09/22/98	Kunz et al.	514	411	
	5,820,917	10/13/98	Tuch et al.	427	2.1	
	5,824,049	10/20/98	Ragheb et al.	623	1.44	
	5,824,054	10/20/98	Khosravi et al.	623	1.44	
	5,837,008	11/17/98	Berg et al.	128	898	
	5,837,313	11/17/98	Dinh et al.	427	2.21	
	5,843,120	12/01/98	Israel et al.	523	1.15	
	5,843,166	12/01/98	Lentz et al.	623	1.13	
	5,843,172	12/01/98	Yan	623	1.42	
	5,849,368	12/15/98	Hostettler et al.	427	536	
	5,851,217	12/22/98	Wolff et al.	606	191	
	5,851,231	12/22/98	Wolff et al.	623	1.42	
	5,853,745	12/29/98	Darouiche	424	423	

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	Applicant(s)	Richard Thomas
	Group Art Unit	3763
	Examiner Name	Unknown

	5,865,814	02/02/99	Tuch	623	1.15	
	5,869,127	02/09/99	Zhong	427	2.12	
	5,871,535	02/16/99	Wolff et al.	128	898	
	5,873,904	02/23/99	Ragheb et al.	623	1.13	
	5,891,108	04/06/99	Leone et al.	604	264	
	5,900,246	05/04/99	Lambert	424	429	
	5,919,570	07/06/99	Hostettler et al.	428	424.8	
	5,972,027	10/26/99	Johnson	623	1.42	
	5,997,468	12/07/99	Wolff et al.	600	36	
	5,997,517	12/07/99	Whitebourne	604	265	
	6,004,346	12/21/99	Wolff et al.	623	23.71	
	6,024,763	02/15/00	Lenker et al.	606	191	
	6,048,360	04/11/00	Khosravi et al.	623	1.11	
	6,090,901	07/18/00	Bowers et al.	526	277	
	6,096,070	08/01/00	Ragheb et al.	623	1.39	
	6,153,252	11/28/00	Hossainy et al.	427	2.3	
	6,156,345	12/05/00	Chudzik et al.	424	485	
	6,197,051	03/06/01	Zhong	623	1.46	
	6,214,901	04/10/01	Chudzik et al.	523	113	
	6,254,632	07/03/01	Wu et al.	623	1.15	
	6,258,121	07/10/01	Yang et al.	623	1.46	
	6,273,913	08/14/01	Wright et al.	623	1.42	
	6,287,285	09/11/01	Michal et al.	604	264	
	6,287,628	09/11/01	Hossainy et al.	427	2.3	
	6,299,604	10/09/01	Ragheb et al.	604	265	
	6,306,176	10/23/01	Whitbourne	623	23.59	
	6,344,035	02/05/02	Chudzik et al.	604	265	
	6,355,060	03/12/02	Lenker et al.	623	1.34	
	6,369,039	08/09/02	Palasis et al.	514	44	
	6,379,382	04/30/02	Yang	623	1.42	
	6,451,050	09/17/02	Rudakov et al.	623	1.15	
	6,451,373	09/17/02	Hossainy et al.	427	2.25	
	6,458,152	10/01/02	Khosravi et al.	623	1.13	
	6,488,701	12/03/02	Nolting et al.	623	1.13	
	6,506,437	01/14/03	Harish et al.	427	2.25	
	6,547,814	04/15/03	Edwin et al.	623	1.13	
	6,569,195	05/27/03	Yang et al.	623	1.46	
	6,585,764	07/01/03	Wright et al.	623	1.42	

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	Group Art Unit	3763
	Examiner Name	Unknown

	6,776,796	08/17/04	Folotico et al.	623	1.46	
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIALS	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	357401B1	3/90	EP				
	352295 B1	6/93	EP				
	397784 B1	10/93	EP				
	0950386A2	10/20/99	EP				
	WO01/67991	9/20/01	PCT				

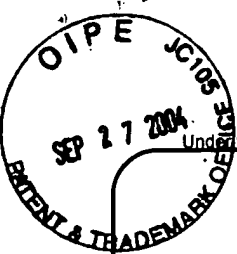
OTHER DOCUMENTS	
EXAMINER INITIALS	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Adams et al., "Inhibition of Nitric Oxide Synthase Disrupts Inhibitory Gating of Auditory Responses in Rat Hippocampus," The Journal of Pharmacology and Experimental Therapeutics, 287:760-5 (November 1998)
	Berkenbosch et al., "Management of Postoperative Chylothorax with Nitric Oxide: A Case Report," Critical Care Medicine, 27:1022-4 (May 1999)
	Carrier et al., "Nitric Oxide Inhalation in the Treatment of Primary Graft Failure Following Heart Transplantation," The Journal of Heart and Lung Transplantation, 18:664-7 (July 1999)
	Cooper et al., "Transient Loss of Resistance to Pulmonary Tuberculosis in p47PHOX-/-Mice," Infection and Immunity, 68:1231-4 (March 2000)
	El-Haddad et al., "Nitric Oxide Modulates Spontaneous Swallowing Behaviour in Near-Term Ovine Fetus," American Journal of Physiology, 277:R981-6 (October 1999)
	Freedman, et al., "Acute Effect of Nitric Oxide on Raynaud's Phenomenon in Scleroderma," The Lancet, 354:739 (August 1999)
	Goodwin et al., "Favorable Response of Eisenmenger Syndrome to Inhaled Nitric Oxide During Pregnancy," American Journal of Obstetrics and Gynecology, 180:64-7 (January 1999)
	Gradini et al., "Nitric Oxide Synthases in Normal and Benign Hyperplastic Human Prostate: Immunohistochemistry and Molecular Biology," Journal of Pathology, 189:224-9 (October 1999)
	Holopainen et al., "Nitric Oxide Inhalation Inhibits Pulmonary Apoptosis but not Inflammatory Injury in Porcine Meconium Aspiration," Acta Paediatrica, 88:1147-55 (October 1999)
	Ishihara et al., "Inhaled Nitric Oxide Prevents Left Ventricular Impairment During Endotoxemia," Journal of Applied Physiology, 85:2018-24 (December 1998)
	Jacobs et al., "Aerosolized Soluble Nitric Oxide Donor Improves Oxygenation and Pulmonary Hypertension in Acute Lung Injury," American Journal of Respiratory and Critical Care Medicine, 158:1536-42 (November 1998)

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	Application Number	10/749,186
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	Applicant(s)	Richard Thomas
	Group Art Unit	3763
	Examiner Name	Unknown

	Kiris et al., "Reversal of Cerebral Vasospasm by the Nitric Oxide Donor SNAP in an Experimental Model of Subarachnoid Haemorrhage," <i>Acta Neurochirurgica</i> , 141:1323-9 (1999)
	Lambermont et al., "Effects of Inhaled Nitric Oxide on Pulmonary Hemodynamics in a Porcine Model of Endotoxin Shock," <i>Critical Care Medicine</i> , 27:1953-7 (September 1999)
	Lewis et al., "Nitric Acid Limits the Eicosanoid-Dependant Bronchoconstriction and Hypotension Induced By Endothelin-1 in the Guinea Pig," <i>British Journal of Pharmacology</i> , 126:93-102 (January 1999)
	Payen, et al., "Inhaled Nitric Oxide, Almitrine Infusion, or Their Coadministration as a Treatment of Severe Hypoxemic Focal Lung Lesions," <i>Anesthesiology</i> , 89:1157-65 (November 1998)
	Samama et al., "Inhibition of Nitric Oxide Synthase Impairs Early Olfactory Associative Learning in Newborn Rats," <i>Neurobiology of Learning and Memory</i> , 71:219-31 (March 1999)
	Sullivan et al., "Nitric Oxide Successfully used to treat Acute Chest Syndrome of Sickle Cell Disease in a Young Adolescent," <i>Critical Care Medicine</i> , 27:2563-8 (November 1999)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/749,186
Filing Date	December 30, 2003
First Named Inventor	Richard Thomas
Art Unit	3763
Examiner Name	Unknown
Attorney Docket Number	PA917 (51288-00053)

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
 - ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
 - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
PTO-1449 and all non-US references cited thereon.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name
Louis C. Cullman
Preston Gates & Ellis, LLP
Reg. No.: 39,645

Signature

Date

[Signature]
9/24/04

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Typed or printed name

Margaret M. Hasson

Signature

[Signature]

Date

9/24/04

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